

AMENDED IN ASSEMBLY SEPTEMBER 3, 2003

AMENDED IN SENATE APRIL 29, 2003

SENATE BILL

No. 19

Introduced by Senator Escutia

December 2, 2002

An act to amend ~~Sections 42239 and~~ *Section 42239.1* of, to add Sections 37252.5 and 37252.6 to, and to repeal ~~Sections 37252.2 and~~ *Section 37252.8* of, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 19, as amended, Escutia. Supplemental instruction.

~~(1) Existing~~

Existing law requires ~~authorizes~~ a school district ~~to offer, and authorize a~~ or charter school to offer; programs of direct, systematic, and intensive supplemental instruction to pupils in grades 2 to 6, inclusive, who are either deficient in mathematics, reading, or written expression based on the results of statewide achievement tests or at risk of retention in the same grade. Existing law limits the amount of funding a school district *or charter school* may receive for this instruction.

This bill would remove the funding limitation for supplemental instruction to a pupil who is at risk of retention in the same grade and would revise the funding limitation for supplemental instruction for a pupil who is deficient in mathematics, reading, or written expression.

~~(2) Existing law authorizes the Superintendent of Public Instruction to compute funding for supplemental instruction for each school district and charter school. Existing law provides that if appropriated funding is insufficient to pay all claims made in any fiscal year pursuant to~~

~~specified provisions, the superintendent is required to use available funding from other specified sources to pay the claims, including funding for supplemental instruction from the current or prior fiscal year.~~

~~This bill would require the superintendent, 30 days before using the available funding from the other sources, to notify the Director of Finance, as provided. The bill would make related conforming changes.~~

~~This bill would become operative only if AB 52 is enacted and becomes effective on or before January 1, 2004.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 37252.2 of the Education Code is~~
2 ~~repealed.~~

3 ~~SEC. 2.~~

4 *SECTION 1.* Section 37252.5 is added to the Education Code,
5 to read:

6 37252.5. (a) The governing board of each district
7 maintaining any or all of grades 2 to 9, inclusive, shall offer, and
8 a charter school may offer, programs of direct, systematic, and
9 intensive supplemental instruction to pupils enrolled in grades 2
10 to 9, inclusive, who are recommended for retention or who are
11 retained pursuant to Section 48070.5. A school district or charter
12 school may require a pupil who is retained to participate in
13 supplemental instructional programs. Notwithstanding the
14 requirements of this section, the school district or charter school
15 shall provide a mechanism for a parent or guardian to decline to
16 enroll his or her child in the program. Attendance in supplemental
17 instructional programs is not compulsory within the meaning of
18 Section 48200.

19 (b) The governing board of each district maintaining any or all
20 of grades 2 to 6, inclusive, and each charter school, may offer
21 direct, systematic, and intensive supplemental instruction to pupils
22 enrolled in any of grades 2 to 6, inclusive, who are identified as
23 being at risk of retention pursuant to Section 48070.5.

24 (c) Supplemental educational services pursuant to subdivisions
25 (a) and (b) may be offered during the summer, before school, after
26 school, on Saturdays, or during intersession, or in a combination

1 of summer school, before school, after school, on Saturday, or
2 intersession instruction. Services may not be provided during the
3 pupil's regular instructional day. Any minor pupil whose parent or
4 guardian informs the school district that the pupil is unable to
5 attend a Saturday school program for religious reasons, or any
6 pupil 18 years of age or older who states that he or she is unable
7 to attend a Saturday school program for religious reasons, shall be
8 given priority for enrollment in supplemental instruction offered
9 at a time other than Saturday over a pupil who is not unable to
10 attend a Saturday school program for religious reasons.

11 (d) For purposes of this section, a pupil shall be considered to
12 be enrolled in a grade immediately upon completion of the
13 preceding grade. Summer school instruction may also be offered
14 to otherwise eligible pupils who were enrolled in grade 6 or 9
15 during the prior school year.

16 (e) Each school district or charter school shall use results from
17 tests administered under the Standardized Testing and Reporting
18 Program, established pursuant to Article 4 (commencing with
19 Section 60640) of Chapter 5 of Part 33 or other evaluative criteria
20 to identify eligible pupils pursuant to subdivision (b).

21 (f) An intensive remedial program in reading or written
22 expression offered pursuant to this section shall, as needed,
23 include instruction in phoneme awareness, systematic explicit
24 phonics and decoding, word attack skills, spelling and vocabulary,
25 explicit instruction in reading comprehension, writing, and study
26 skills.

27 (g) Each school district or charter school shall seek the active
28 involvement of parents, guardians, and classroom teachers in the
29 development and implementation of supplemental instructional
30 programs provided pursuant to this section.

31 (h) It is the intent of the Legislature that pupils who are at risk
32 of failing to meet state adopted standards, or who are at risk of
33 retention, be identified as early in the school year and as early in
34 their school careers as possible, and be provided the opportunity
35 for supplemental instruction sufficient to assist them in attaining
36 expected levels of academic achievement.

37 (i) Notwithstanding any other provision of law, neither the
38 State Board of Education nor the Superintendent of Public
39 Instruction may waive any provision of this section.

40 ~~SEC. 3.~~

1 *SEC. 2.* Section 37252.6 is added to the Education Code, to
2 read:

3 37252.6. (a) The governing board of each school district
4 maintaining any or all of grades 2 to 6, inclusive, and any charter
5 school may offer programs of direct, systematic, and intensive
6 supplemental instruction to pupils enrolled in grades 2 to 6,
7 inclusive, who are identified as having a deficiency in
8 mathematics, reading, or written expression based on the results
9 of any test administered under the Standardized Testing and
10 Reporting Program established pursuant to Article 4
11 (commencing with Section 60640) of Chapter 5 of Part 33.

12 (b) Supplemental educational services offered pursuant to this
13 section may be offered during the summer, before school, after
14 school, on Saturdays, or during intersession, or in a combination
15 of summer school, before school, after school, on Saturday, or
16 intersession instruction. Services may not be provided during the
17 pupil's regular instructional day. Any minor pupil whose parent or
18 guardian informs the school district that the pupil is unable to
19 attend a Saturday school program for religious reasons, or any
20 pupil 18 years of age or older who states that he or she is unable
21 to attend a Saturday school program for religious reasons, shall be
22 given priority for enrollment in supplemental instruction offered
23 at a time other than Saturday, over a pupil who is not unable to
24 attend a Saturday school program for religious reasons.

25 (c) For purposes of this section, a pupil shall be considered to
26 be enrolled in a grade immediately upon completion of the
27 preceding grade. Summer school instruction may also be offered
28 to pupils who were enrolled in grade 6 during the prior school year.

29 (d) An intensive remedial program in reading or written
30 expression offered pursuant to this section shall, as needed,
31 include instruction in phoneme awareness, systematic explicit
32 phonics and decoding, word attack skills, spelling and vocabulary,
33 explicit instruction in reading comprehension, writing, and study
34 skills.

35 (e) Each school district or charter school shall seek the active
36 involvement of parents, guardians, and classroom teachers in the
37 development and implementation of supplemental instructional
38 programs provided pursuant to this section.

39 (f) It is the intent of the Legislature that pupils who are at risk
40 of failing to meet state adopted standards, or who are at risk of



retention, be identified as early in the school year and as early in their school careers as possible, and be provided the opportunity for supplemental instruction sufficient to assist them in attaining expected levels of academic achievement.

(g) (1) The maximum amount of funding for the purposes of programs offered pursuant to this section to serve pupils in grades 2 to 6, inclusive, may not exceed 5 percent of the statewide total enrollment in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year as determined pursuant to subdivision (c) of Section 42239.

(2) A school district or charter school that offers instruction pursuant to this section is entitled to receive reimbursement in an amount up to 5 percent of the district's or charter school's total enrollment in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year as determined pursuant to subdivision (c) of Section 42239.

(h) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.

SEC. 4.

SEC. 3. Section 37252.8 of the Education Code is repealed.

~~SEC. 5. Section 42239 of the Education Code is amended to read:~~

~~42239. For the 2000-01 fiscal year, and each fiscal year thereafter, the Superintendent of Public Instruction shall compute funding for supplemental instruction for each school district or charter school in the following manner:~~

~~(a) Multiply the number of pupil hours of supplemental instruction claimed pursuant to Sections 37252 and 37252.5 by the pupil hour allowance specified in subdivision (c) or by a pupil hour allowance specified in the annual Budget Act instead of the amount computed in subdivision (c).~~

~~(b) Multiply the number of pupil hours of supplemental instruction claimed pursuant to Sections 37252.6 and 37253 by the pupil hour allowance specified in subdivision (c) or by a per pupil hour allowance specified in the annual Budget Act instead of the amount computed in subdivision (c). The total number of pupil hours of supplemental instruction that may be claimed pursuant to~~

~~Section 37253 may not exceed the limits on pupil hours that may be claimed as established by subdivisions (c) and (d) of Section 37253. The total number of pupil hours of supplemental instruction that may be claimed pursuant to Section 37252.6 may not exceed the limits on pupil hours that may be claimed as established in subdivision (g) of that section.~~

~~(c) Commencing with the 2000-01 fiscal year, hours of supplemental instruction shall be reimbursed at a rate of three dollars and twenty-five cents (\$3.25) per pupil hour, adjusted in future years as specified in this section, provided that a different reimbursement rate may be specified for each fiscal year in the annual Budget Act that appropriates funding for that fiscal year. This amount shall be increased annually by the percentage increase pursuant to subdivision (b) of Section 42238.1 granted to school districts or charter schools for base revenue limit cost-of-living increases.~~

~~(d) (1) If appropriated funding is insufficient to pay all claims made in any fiscal year pursuant to Section 37252 or 37252.5, the superintendent shall use any available funding appropriated for the purposes of reimbursing school districts pursuant to Section 37252 or 37252.5, or subdivision (d) of Section 37253.~~

~~(2) If appropriated funding is still insufficient to pay all claims made in any fiscal year pursuant to Section 37252 or 37252.5, the superintendent shall use any available funding appropriated for the purposes of reimbursing school districts for supplemental instruction in the prior fiscal year.~~

~~(3) If appropriated funding is still insufficient to pay all claims made in any fiscal year pursuant to Section 37252 or 37252.5, the superintendent shall use any available funding appropriated for the purposes of reimbursing school districts for supplemental instruction in the current fiscal year.~~

~~(4) Thirty days before the superintendent uses available funding pursuant to this section, the superintendent shall notify the Director of Finance. The notice shall specify the dollar amount of each claim submitted, identify whether the claim was submitted pursuant to Section 37252 or 37252.5, and identify the item of appropriation, including any schedule, of the specific Budget Act from which the claim will be paid.~~

~~(5) The superintendent shall notify the Director of Finance that there is a deficiency of funding appropriated for the purposes of~~

~~Sections 37252 and 37252.5 only after the superintendent has exhausted all available balances of appropriations made for the current or prior fiscal years for the reimbursement of school districts for supplemental instruction.~~

~~(e) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.~~

~~SEC. 6.~~

SEC. 4. Section 42239.1 of the Education Code is amended to read:

~~42239.1. (a) For the 1999–2000 fiscal year and each fiscal year thereafter, each school district shall be eligible for reimbursement for hours of pupil attendance claimed for intensive reading programs offered pursuant to Article 1 (commencing with Section 53025) of Chapter 16 of Part 28 of the Education Code in an amount up to 10 percent of the district’s total enrollment in kindergarten and grades 1 to 4, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year determined pursuant to subdivision (c) of Section 42239. This amount shall be provided in addition to amounts claimed pursuant to Sections 37252, 37252.5, 37252.6, and 37253.~~

~~(b) When expending funds received pursuant to this section, a school district shall give first priority for the purpose specified in paragraph (1) of subdivision (c) of Section 53027.~~

42239.1. (a) For the 1999–2000 fiscal year and each fiscal year thereafter, each school district is eligible for reimbursement for hours of pupil attendance claimed for intensive reading programs offered pursuant to Article 1 (commencing with Section 53025) of Chapter 16 of Part 28 in an amount up to 10 percent of the district’s total enrollment in kindergarten and grades 1 to 4, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year determined pursuant to subdivision (c) of Section 42239. This amount shall be provided in addition to amounts claimed pursuant to Sections 37252, 37252.2, 37252.5, 37252.6, 37252.8 37252.6, and 37253.

(b) When expending funds received pursuant to this section, a school district shall give first priority for the purpose specified in paragraph (1) of subdivision (c) of Section 53027.

1 (c) Reimbursement pursuant to this section is contingent on an
2 appropriation being made for that purpose in the annual Budget
3 Act.

4 *SEC. 5. This act shall become operative only if Assembly Bill*
5 *52 is enacted and becomes effective on or before January 1, 2004.*

